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May 29, 2019

VIA ECF

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza
Brooklyn, NY 11201

Re: *Kurtz v. Kimberly-Clark Corp, et al.*, 14-cv-1142
Belfiore v. The Procter & Gamble Co., 14-cv-4090

Dear Judge Weinstein:

We are counsel for Plaintiffs in the above-referenced actions. We are in receipt of the Court's order dated May 16, 2019, scheduling "a three-day hearing for presentation of evidence and argument" on July 16, 17, and 18, 2019. (Dkt. No. 311.) We have spoken with our damages expert, Colin Weir, who has informed us that he is scheduled to testify at another trial during the week of July 15 through 19, and will therefore be unable to attend the hearing or submit a supplemental expert report by that time.

We read the Second Circuit's Summary Order to request additional evidence that Mr. Weir "can apply hedonic regression analysis to establish on a classwide basis whether the class members paid a price premium for Defendants' products attributable to the 'flushable' representation." Summary Order at 3. In particular, the Second Circuit found that "further development of the record is appropriate," and remanded the appeals so the parties could "supplement the record with additional evidence." *Id.* at 4. Given the Second Circuit's invitation to further develop the record, a supplemental expert report from Mr. Weir will be forthcoming.

However, Mr. Weir's schedule prevents him from being able to submit a supplemental report before mid-August. As such, we request the Court enter the following schedule to allow the parties to submit additional evidence as to Mr. Weir's hedonic regression model:

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August 14, 2019	Supplemental expert report from Colin Weir
September 6, 2019	Rebuttal reports from Defendants' experts
September 24-25, 2019	Evidentiary hearing(s) before the Court

In an effort to aid the Court in rescheduling, we do not believe that 3 days will be needed for a hearing on the supplemental evidence.

We also request a brief hearing over the week of June 17 to discuss the manner by which the Court would like the September hearings to proceed.

Respectfully submitted,

/s/ Lester L. Levy
Lester L. Levy
Counsel for Plaintiff Belfiore

/s/ Mark S. Reich
Mark S. Reich
Counsel for Plaintiff Kurtz

cc: All Counsel of Record (via ECF)